11-01-04

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TRANSMITTAL OF APPEAL BRIEF

Docket No.
283108002US

In re Application of: Sean S. Jensen-Gray

Application No.	Filing Date	Examiner	Group Art Unit
09/878,876-Conf. #2637	June 11, 2001	W. P. Amsbury	2171

Invention: INTERNET SEED CRAWLING

TO THE COMMISSIONER OF PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed: September 2, 2004 .

The fee for filing this Appeal Brief is $ 340.00 .

[X] Large Entity [ ] Small Entity

[ ] A petition for extension of time is also enclosed.

The fee for the extension of time is _____ .

[X] A check in the amount of $ 340.00 is enclosed.

[ ] Charge the amount of the fee to Deposit Account No. _____ .
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[ ] Payment by credit card. Form PTO-2038 is attached.

[X] The Director is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 50-0665 .
This sheet is submitted in duplicate.

Dated: October 29, 2004

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Dated: 10/29/04 Signature: _____ (Mike Smith)

PTO/SB/17 (10-03)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 340.00

Complete if Known	
Application Number	09/878,876-Conf. #2637
Filing Date	June 11, 2001
First Named Inventor	Sean S. Jensen-Gray
Examiner Name	W. P. Amsbury
Art Unit	2171
Attorney Docket No.	283108002US

METHOD OF PAYMENT *(check all that apply)*

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 50-0665

Deposit Account Name: Perkins Coie LLP

The Director is authorized to: *(check all that apply)*

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below	=	Fee Paid
Total Claims		-** =		x		=	
Independent Claims		-** =		x		=	
Multiple Dependent						=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0.00

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	340.00
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** ($) 340.00

SUBMITTED BY				(Complete *(if applicable)*)	
Name (Print/Type)	Steven D. Lawrenz	*Registration No. (Attorney/Agent)*	37,376	*Telephone*	(206) 359-8000
Signature				*Date*	October 29, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV522671219US, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 10/29/04 Signature: _____ (Mike Smith)

Express Mail No. EV522671219US

Docket No.: 283108002US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sean S. Jensen-Grey

Application No.: 09/878,876 Confirmation No.: 2637

Filed: June 11, 2001 Art Unit: 2171

For: INTERNET CRAWL SEEDING Examiner: W. Amsbury

APPELLANT'S BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This brief is in furtherance of the Notice of Appeal filed in this case on September 2, 2004. The fees required under Section 1.17(f), and any required request for extension of time for filing this brief and fees therefor, are dealt with in the accompanying transmittal letter.

I. REAL PARTY IN INTEREST

The rights of the inventors in this application were originally assigned to Thompson Licensing S.A., of Boulogne-Billancourt, France, as recorded at reel 012743, frame 0772. Thompson Licensing S.A. subsequently assigned its rights in this application to America Online, Inc., of Dulles, Virginia, which copy of the assignment is included in Appendix A.

II. RELATED APPEALS AND INTERFERENCES

Neither Appellant, Appellant's legal representative, nor the above-identified Assignee are aware of other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the present appeal.

III. STATUS OF CLAIMS

Claims 1-21 have been presented, are presently pending, and stand finally rejected.[1]

The Examiner rejected claims 1, 2, 4, 5, 7-11, 13, 14 and 17-20 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,547,829 to Meyerzon et al. ("Meyerzon").

The Examiner rejected claims 3, 6, 12, 15, 16 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Meyerzon.

Appellant hereby appeals the rejection of claims 1-21.

IV. STATUS OF AMENDMENTS

On July 2, 2004, Appellant filed an amendment responding to a final Office Action mailed on March 3, 2004. In an Advisory Action mailed on September 13, 2004, the Examiner failed to indicate whether the July 2 amendment would be entered for purposes of the present appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention is directed to techniques for searching for and retrieving media files and data related to media files on a communications network. A search term is provided to a search system. In response to the provided search term, the search system returns a search result comprising metadata associated with media that is available through a communications network. The search result is later parsed for metadata, and the parsed metadata is then provided back to the search system as a seed – i.e., new search term – for a subsequent search operation.

In this manner, the embodiments of Appellant's invention greatly increase the effectiveness of searching for and retrieving media files and data related to media files via a search utilizing metadata and parsed metadata.

VI. ISSUES TO BE REVIEWED ON APPEAL

A. Is the rejection of claims 1, 2, 4, 5, 7-11, 13, 14 and 17-20 under 35 U.S.C. § 102(e) over Meyerzon proper?

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[1] The claims are shown in Appendix A

B. Is the rejection of claims 3, 6, 12, 15, 16 and 21 under 35 U.S.C. § 103(a) over Meyerzon proper?

VII. ARGUMENT

A. The Rejection of Claims 1, 2, 4, 5, 7-11, 13, 14 and 17-20 Under 35 U.S.C. § 102(e) Over Meyerzon Is Improper

1. Legal Requirements for Anticipation

35 U.S.C. § 102(e) provides:

> A person shall be entitled to a patent unless—
>
> . . .
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

To establish a *prima facie* case of anticipation, the Examiner must identify where "each and every facet of the claimed invention is disclosed in the applied reference." *Ex parte Levy,* 17 U.S.P.Q.2d 1461, 1462 (Bd. Pat. App. & Interf. 1990).

Moreover, anticipation requires that each claim element must be identical to a corresponding element in the applied reference. *Glaverbel Société Anonyme v. Northlake Mktg. & Supply, Inc.*, 45 F.3d 1550, 1554 (Fed. Cir. 1995). Indeed, the failure to mention "a claimed element (in) a prior art reference is enough to negate anticipation by that reference." Atlas Powder Co. v. E.I. duPont De Nemours, 750 F.2d 1569, 1574 (1984).

2. Meyerzon

Meyerzon is directed to a web crawler application that takes advantage of a document store's ability to provide a content identifier (CID) having a value that is a unique function of the physical storage location of a data object or document, or, alternatively, a unique function of the content of the document. (Abstract; col. 2, line 64-col. 3, line 4). In operation, the crawler first tries to fetch the CID for a document. If the CID attribute is not supported by the document store, the crawler fetches the document itself, filters it to obtain a hash function, and commits the document to an index if the hash function is not present in a history table. (emphasis added) (Abstract; col. 3, lines 4-10). If the CID is available from the document store, the CID is fetched from the document store, and the crawler determines

whether the CID is present in the history table, which indicates whether an identical copy of the document in question has already been indexed under a different URL. (Abstract; col. 3, lines 11-16). If the CID is present in the history table, the new URL is placed in the history file, but the document itself is not retrieved from the document store, nor is it filtered again to obtain a CID. (Abstract; col. 3, lines 16-20). If the CID is not present in the history table, the full document is retrieved and indexed. (Abstract; col. 3, lines 20-22).

3. The Examiner Has Failed to Identify Elements of Meyerzon that are Identical to the Elements Recited by Claims 1, 2, 4, 5, 7-11, 13, 14 and 17-20, and Thereby Failed to Establish a *Prima Facie* Case of Anticipation With Respect to Meyerzon

In the second Office Action dated March 3, 2004, the Examiner rejected claims 1, 2, 4, 5, 7-11, 13, 14 and 17-20 under 35 U.S.C. § 102(e) as being anticipated by Meyerzon. In rejecting the claims, the Examiner states in the second Office Action that:

> Meyerzon is directed to Internet searching by means of web crawlers [COL 1 lines 14-21] that iterate the crawling process by using results derived from one crawl to seed later crawls (subsequent search operations) [COL 4 lines 43-65]. The search system begins with search criteria, parameters, and keywords that are used to build an index of electronic documents [COL 2 lines 3-24; COL 7 lines 32-53]. The search performed on the basis of the initial search criteria such as keywords provides results in the form of content identifiers (CID) that are placed in a History Table and compared to URLs encountered during a crawl [COL 2 line 64 to COL 3 line 45]. A CID, a URL, and an index entry at least comprise metadata associated with a search result.
>
> A CID in the form *[sic]* physical location of a data object may be a directory entry, network entry, URL, or the like, and it is inherent in such addresses that they must be parsed in order to determine their components. Meyerzon is explicit about parsing in order to determine any useful information [COL 9 lines 41-49].

(second Office Action, pp. 2 and 3).

The Examiner has failed to establish a *prima facie* case of anticipation with respect to claims 1, 2, 4, 5, 7-11, 13, 14 and 17-20 that is based on Meyerzon. The Examiner's burden to identify where each and every facet of the claimed invention is disclosed in the applied reference is not satisfied by the Examiner's explanation or discussion provided in the second Office Action. These claims recite "providing said parsed metadata to said search system as a seed for a subsequent search operation." The Examiner appears to indicate that this feature of the claims is disclosed by Meyerzon's Internet searching by

means of web crawlers that iterate the crawling process by using results derived from one crawl to seed later crawls (col. 4, lines 43-65).

Meyerzon fails to identically disclose "providing said parsed metadata to said search system as a seed for a subsequent search operation." At col. 4, lines 44-47, Meyerzon recites, "the transaction log is seeded with one or more document address specifications, which are used to **retrieve** the document associated with the address specification." (emphasis added). Meyerzon further recites at col. 4, lines 29-30, "[e]ach document listed in the transaction log is retrieved from its Web site and processed." Thus, it appears that Meyerzon's "seeding" is a reference to "placing" a document address specification in a transaction log for use in retrieving the document associated with the document address specification. Moreover, using a document address specification to retrieve the document associated with the address specification is different than using the document address specification for a subsequent search operation. In contrast to the Examiner's apparent assertion, Meyerzon does not identically disclose the claimed "providing said parsed metadata to said search system as a seed for a subsequent search operation."

These claims further recite "receiving at least one search result from said search system in view of a performed search using said search term, wherein said search result comprises metadata associated with said media." The Examiner appears to indicate that this feature of the claims is disclosed by Meyerzon's content identifier (CID) (col. 2, line 64-col. 3, line 45) and explicitly states that "[t]he search performed on the basis of an initial search criteria such as keywords provides results in the form of content identifiers (CID) that are placed in a History Table and compared to URLs encountered during a crawl" and that "[a] CID, a URL, and an index entry at least comprise metadata associated with a search result."

Meyerzon fails to identically disclose "receiving at least one search result from said search system in view of a performed search using said search term, wherein said search result comprises metadata associated with said media." According to Meyerzon, a crawler first tries to **fetch** the CID for a document based upon the document's address specification. If the CID is supported by and available from the document store, the CID is successfully **fetched** by the crawler. (emphasis added) (col. 3, lines 5-13). Thus, in Meyerzon, the CID is obtained via a fetch operation performed by the crawler in an effort to retrieve a specific document from the document store, and not by a search as asserted by the Examiner. This is

further evidenced by the fact that Meyerzon's CID is a value that is either a unique function of the physical storage location of a document or a unique function of the content of the document (col. 2, line 66-col. 3, line 4), which can readily be used to fetch or retrieve the addressed document. Because of the nature and composition of a CID, the addressed document can be retrieved without performing a search of the documents. In page 3 of the second Office Action, the Examiner even admits that the CID is a form of a physical location. The Examiner has failed to provide any indication of how Meyerzon identically discloses the claimed "receiving at least one search result from said search system in view of a performed search using said search term, wherein said search result comprises metadata associated with said media."

These claims also recite "parsing said at least one search result for providing parsed metadata" and "providing said parsed metadata to said search system as a seed for a subsequent search operation." The Examiner asserts that "[a] CID in the form of physical location of a data object may be a directory entry, network entry, URL, or the like, and it is inherent in such addresses that they must be parsed in order to determine their components" and that "Meyerzon is explicit about parsing in order to determine any useful information [COL 9 lines 41-49]." (second Office Action, p. 3).

Meyerzon fails to identically disclose "parsing said at least one search result for providing parsed metadata" and "providing said parsed metadata to said search system as a seed for a subsequent search operation." As discussed above, the CID is not returned as a search result or as part of a search result in Meyerzon. Moreover, according to Meyerzon, the document fetched from the document store is filtered, which means parsing the document. (col. 9, lines 41-45). Parsing the document is distinctly different than Appellant's claimed feature of parsing the search result of a search operation for metadata. The Examiner has failed to provide any indication of how Meyerzon identically discloses the claimed "parsing said at least one search result for providing parsed metadata."

Moreover, the metadata of Meyerzon is not the same as the claimed metadata, which according to the claims is "metadata associated with said media." Specifically, the claimed metadata is concerned with information that describes attributes of media available through a communications network, not the unique function of the physical storage location of data objects or documents – i.e., CID – as described in Meyerzon. Examples describing the relationship between metadata and media are presented in the Dublin Core Metadata

table listed on page 7 of Appellant's specification. Because the metadata of Meyerzon is of such a different nature than the claimed metadata, it is unclear how the metadata of Meyerzon could be parsed as a seed for a subsequent search operation in the manner as claimed in these claims. The Examiner's failure to identify how Meyerzon identically discloses the claimed features constitutes a failure to make a *prima facie* case of anticipation with respect to these claims.

4. Meyerzon Fails To Disclose All of the Elements Recited by Claims 1, 2, 4, 5, 7-11, 13, 14 and 17-20, and is Therefore Incapable of Supporting any Proper Rejection Under 35 U.S.C. § 102(e)

Meyerzon fails to disclose all of the elements recited by claims 1, 2, 4, 5, 7-11, 13, 14 and 17-20. All of these claims recite receiving a search result comprising metadata associated with media from a search system as a result of a search performed by the search system, parsing the received search result, and/or providing the parsed metadata to the search system as a seed for a subsequent search operation. Meyerzon simply does not disclose or suggest either (1) receiving a search result comprising metadata associated with media from a search system as a result of a search performed by the search system, (2) parsing the received search result, or (3) providing the parsed metadata to the search system as a seed for a subsequent search operation. In Meyerzon, a crawler obtains the CID for a document based upon the document's address specification via a fetch operation, which is distinct from the claimed search performed by the search system. Contrary to the position expressed by the Examiner, a fetch from a document store is not the same as a search, especially given that Meyerzon performs the fetch based upon the document's address specification. Simply stated, there is no need to search when you know the address. Also contrary to the position expressed by the Examiner in his September 13, 2004 Advisory Action, is that the CID is not derived from a search result, but, as discussed above, obtained via a fetch operation. Moreover, in Meyerzon, the CID is not parsed from a search result but, rather, is fetched from the document store. For at least these reasons, claims 1, 2, 4, 5, 7-11, 13, 14 and 17-20 cannot be anticipated by any application of Meyerzon.

B. The Rejection of Claims 3, 6, 12, 15, 16 and 21 under 35 U.S.C. § 103(a) Over Meyerzon Is Improper

1. Legal Requirements for Obviousness

35 U.S.C. § 103(a) provides:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

To reject claims as being obvious, "the examiner bears the initial burden of presenting a prima facie case of obviousness." In re Rijckaert, 9 F.3d 1531, 1532 (Fed. Cir. 1993). "A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." Id. (quoting In re Bell, 991 F.2d 781, 782 (Fed. Cir. 1993)). The Examiner is not allowed to use hindsight gleaned from the invention itself to modify references. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1050-51 (Fed. Cir. 1988). Furthermore, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 972 F.2d 1260, 1266 (Fed. Cir. 1992) (emphasis added). The Federal Circuit emphasized this point by stating that:

> [a]lthough a prior art device could have been turned upside down, that did not make the modification obvious unless the prior art fairly suggested the desirability of turning the device upside down.

In re Chu, 66 F. 3d 262, 298 (Fed. Cir. 1995) (emphasis added).

2. The Examiner Failed To Establish a Prima Facie Case of Obviousness

In the second Office Action, the Examiner rejected claims 3, 6, 12, 15, 16 and 21 under 35 U.S.C. § 103(a) as being obvious over Meyerzon. In rejecting the claims, the Examiner states in the second Office Action that:

> As to claims 3 and 12, Meyerzon does not explicitly place data such as the History Table in a relational database *per se*, but an RDB is organized in tables, commonly indexed, and so widely available that one of ordinary skill in the art would not need to be prompted that they might be used.
>
> It would have been obvious to one of ordinary skill in the art at the time of the invention to use an RDB to store search results because it was well known, commercially available, and efficient.
>
> As to claims 6 and 15, Meyerzon does not explicitly state that web pages may be multimedia or provide streaming data, but it is inherent in crawling the web that these will be encountered, and nothing in Meyerzon precludes such pages. It would have been obvious to one of ordinary skill in the art at the time of the invention to include these page types because avoiding them would require additional and unnecessary system development.
>
> The elements of claims 16 and 21 are rejected in the analysis above and these claims are rejected on that basis.

(second Office Action, pp. 3 and 4).

The Examiner has failed to establish a *prima facie* case for the obviousness rejection of claims 3, 6, 12, 15, 16 and 21 over Meyerzon, in that the Examiner has failed to show how the teachings from Meyerzon would have suggested the subject matter claimed in claims 3, 6, 12, 15, 16 and 21 to a person of ordinary skill in the art.

Claims 3 and 6 each depends from claim 1, and for the reasons discussed above, Meyerzon fails to disclose or suggest all of the elements recited by claim 1. As for claims 12 and 15, each of these claims depends from claim 10, and for the reasons discussed above, Meyerzon fails to disclose or suggest all of the elements recited by claim 10. Finally, because Meyerzon fails to disclose or suggest all of the elements of claims 1 and 10, as well as claims 3, 6, 12 and 15, the Examiner cannot reject claims 16 and 21 on the same basis as claims 3, 6, 12 and 15. Accordingly, the Examiner has failed to satisfy his burden with respect to these claims.

3. Meyerzon Fails To Disclose or Suggest All of the Elements Recited By Claims 3, 6, 12, 15, 16 and 21, and is Therefore Incapable of Supporting any Proper Rejection Under 35 U.S.C. § 103(a)

Meyerzon fails to disclose or suggest all of the elements recited by claims 3 and 6. Each of these claims depends from independent claim 1, and as discussed above, Meyerzon does not disclose or suggest all of the elements recited by claim 1. For this reason, Meyerzon cannot render these claims obvious.

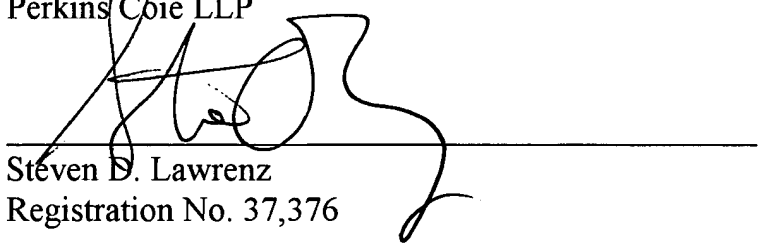
Meyerzon fails to disclose or suggest all of the elements recited by claims 12 and 15. Each of these claims depends from independent claim 10, and as discussed above, Meyerzon does not disclose or suggest all of the elements recited by claim 10. For this reason, Meyerzon cannot render these claims obvious.

With regard to independent claim 16, this claim recites elements that are identical or that are substantially similar to the elements discussed above in conjunction with claims 1, 2, 4, 5, 7-11, 13, 14 and 17-20 in Section VII.A.3. Thus, for at least the reasons discussed above, Meyerzon does not disclose or suggest all of the elements recited by claim 16. Because claim 21 depends from claim 16, Meyerzon fails to disclose or suggest all of the elements recited by claim 21. For this reason, Meyerzon cannot render claims 16 and 21 obvious.

VIII. SUMMARY

Each of claims 1-21 has been improperly rejected, both (a) in that the Examiner has failed to make a *prima facie* case of unpatentability, and (b) in that the cited references would not support any rejection of these claims. Accordingly, Appellant seeks the reversal of the rejection of these claims.

Respectfully submitted,
Perkins Coie LLP



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Enclosures:
Appendix A

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APPENDIX A

PENDING CLAIMS

Following is a complete listing of the claims pending in the application:

1. (Previously presented) A computer implemented method for seeding a search system for searching for media available through a communications network, said method comprising the steps of:

providing at least one search term to said search system;

receiving at least one search result from said search system in view of a performed search using said search term, wherein said search result comprises metadata associated with said media;

parsing said at least one search result for providing parsed metadata; and

providing said parsed metadata to said search system as a seed for a subsequent search operation.

2. (Original) A method in accordance with claim 1, further comprising the step of searching for said media.

3. (Original) A method in accordance with claim 1, further comprising the step of storing said at least one search result in at least one of memory and a relational database management system.

4. (Original) A method in accordance with claim 1, wherein said metadata comprises at least one of a uniform resource indicator (URI) of a media file, a URI of a web page, a URI of a service, a URI of a device, a web page title, a web page keyword, a web page description, a header of a media file, a footer of a media file, a metatag, and an embedded data in a media file.

5. (Original) A method in accordance with claim 1, wherein said metadata comprise elements related to at least one of content of the media, intellectual property rights associated with the media, and instantiation of the media.

6. (Original) A method in accordance with claim 1, wherein said media comprises at least one of multimedia and streaming media.

7. (Original) A method in accordance with claim 1, wherein said communications network is a computer network.

8. (Previously presented) A computer system for seeding a search system for searching for media available via a computer network, all computers in said system being communicatively coupled to each other, wherein each of said at least one computer includes at least one program stored therein for allowing communication between each and every said at least one computer, each of said at least one program operating in conjunction with one another to cause said at least one computer to perform the steps of:

providing at least one search term to said search system;

receiving at least one search result from said search system in view of a performed search using said search term, wherein said search result comprises metadata associated with said media;

parsing said at least one search result for providing parsed metadata; and

providing said parsed metadata to said search system as a seed for a subsequent search operation.

9. (Previously presented) A computer readable medium having embodied thereon a program for causing a processor to seed a search system for searching for media on a communications network by:

providing at least one search term to said search system;

receiving at least one search result from said search system in view of a performed search using said search term, wherein said search result comprises metadata associated with said media;

parsing said at least one search result for providing parsed metadata; and

providing said parsed metadata to said search system as a seed for a subsequent search operation.

10. (Previously presented) A data signal embodied in a carrier wave comprising:

a provide search term code segment for providing at least one search term to a search system for searching for media on a communications network;

a receive results code segment for receiving at least one search result from said search system in view of a performed search using said search term, wherein said search result comprises metadata associated with said media;

a parse code segment for parsing said at least one search result for providing parsed metadata; and

a provide parsed search term code segment for providing said parsed metadata to said search system 1 as a seed for a subsequent search operation.

11. (Original) A data signal in accordance with claim 10, further comprising a search code segment for searching for said media.

12. (Original) A data signal in accordance with claim 10, further comprising a memory store code segment for storing said at least one search result in least one of memory and a relational database management system.

13. (Original) A data signal in accordance with claim 10, wherein a source of said metadata comprises at least one source selected from the group consisting of a web page content, a uniform resource indicator, a media file, and a transport stream.

14. (Original) A data signal in accordance with claim 10, wherein said metadata comprise elements related to at least one of content of the media, intellectual property rights associated with the media, and instantiation of the media.

15. (Original) A data signal in accordance with claim 10, wherein said media comprises at least one of multimedia and streaming media.

16. (Previously presented) A computer implemented method for seeding a search system for searching for at least one of multimedia and streaming media available on a communications network, said method comprising the steps of:

providing at least one search term to said search system;

receiving at least one search result from said search system in view of a performed search using said search term, wherein said search result comprises metadata associated with said at least one of multimedia and streaming media;

parsing said at least one search result for providing parsed metadata; and

providing said parsed metadata to said search system as a seed for a subsequent search operation.

17. (Previously presented) A computer implemented method in accordance with claim 1, wherein said subsequent search operation uses said seed to enable a web crawling spider to search for additional media available through said communications network.

18. (Previously presented) A computer system in accordance with claim 8, wherein said subsequent search operation uses said seed to enable a web crawling spider to search for additional media available through said computer network.

19. (Previously presented) A computer readable medium in accordance with claim 9, wherein said subsequent search operation uses said seed to enable a web crawling spider to search for additional media available through said communications network.

20. (Previously presented) A data signal embodied in a carrier wave in accordance with claim 10, wherein said subsequent search operation uses said seed to enable a web crawling spider to search for additional media available through said communications network.

21. (Previously presented) A computer implemented method in accordance with claim 16, wherein said subsequent search operation uses said seed to enable a web crawling spider to search for additional media available through said communications network.